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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/591,539 06/09/00 NIELSEN

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EXAMINER

QM12/0824

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ART UNIT

PAPER NUMBER

3728

DATE MAILED:

08/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/591,539

Applicant(s)

Nielsen et al

Examiner

Troy Arnold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Aug 7, 2001

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-14 is/are pending in the application

4a) Of the above, claim(s) _____ is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-14 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wade and further in view of Hunt, Battistella and Buhot et al. Wade teaches all the limitations of claim 1 except the case being attached inwardly of the first end of the sheet, and the openable end of the case facing a longitudinal edge of the sheet. Hunt teaches a case 26 which is attached inwardly of a first end of a sheet 12, with the openable end facing the top edge. Battistella teaches an item which may function as a case 2 which faces a longitudinal edge of a sheet 1. Buhot teaches case 3 which is located inwardly of a first end of a sheet 12, with the openable end facing the bottom edge of the sheet. It would have been obvious in view of these references to one of ordinary skill in the art at the time the invention was made to make the case of Wade attached inwardly of the first end of the sheet for the purpose for the purpose of allowing it to better function as a pillow, should it be used in that manner. Likewise, it would have been obvious to one of ordinary skill to make the openable end of the case of Wade face a longitudinal edge of the sheet for any number of design reasons. The exact orientation of the case does not

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appear to of critical importance, as any orientation would be a functional equivalent. Wade teaches all the limitations of claim 4 except one pocket located adjacent each longitudinal edge. It would have been obvious to one of ordinary skill in the art to put pockets on the other side of the sheet of Wade for the purpose of providing more usable storage space. Regarding claim 5, Wade shows pockets substantially on longitudinal edges, extending away from the sheet. Wade teaches all the limitations of claim 6 except the pockets all located inwardly of the longitudinal edges. Buhot teaches a pocket 3 inward of the edges of a beach towel. Hunt teaches a beach towel with pockets 22,24,26 which are inward of the edges. Battistella teaches a beach towel with pockets 12b located inward of the edges. It would have been obvious in view of any of these three references to one of ordinary skill in the art at the time the invention was made to put pockets inward of the edges on the sheet of Wade for any number of reasons, such as a more convenient access when in use. (It is also noted that were the pocket flap of Wade to be flipped up onto the chair rather than hanging down on the side, the pockets would technically all be located inwardly of the longitudinal edges.) Regarding claim 7, the carrying means taught by Wade, the strap shown in Fig 2, appears to be attached to the outer surface of the case. Regarding claim 8, Wade teaches a strap in Fig 2. Wade teaches all the limitations of claim 10 except a flap extending from adjacent an open first end of the case. Hunt teaches a flap 48 which extends from adjacent an open first end of an analogous case. In Fig 3, Battistella teaches a flap 4 for a case 3 which extends from adjacent the opening. It would have been obvious to one of ordinary skill in the art at the time the invention was made, in view of either Hunt or Battistella, to make the flap

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extend from adjacent the opening of a case for the purpose of better securing and protecting the contents inside the case.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wade as modified regarding claim 1, and further in view of Silvestri. Silvestri teaches a slip cover pocket at an upper end of a sheet for exactly the same purpose as in the instant invention. It would have been obvious in view of Silvestri to incorporate a slip cover pocket in the upper end of the sheet of Wade for the purpose of making the sheet more resistant to blowing away in windy conditions. Regarding claim 3, it would have been obvious in view of Silvestri to one of ordinary skill in the art at the time the invention was made to put a second slip cover pocket at a lower end of the sheet of Wade in order to further retain the sheet in the event of windy conditions.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wade as modified regarding claim 1, and further in view of Terrazas. Wade teaches all the limitations of claim 9 except a waterproof sheet attached to the bottom of the flexible sheet. Terrazas teaches a sheet with a waterproof layer for a similar purpose. It would have been obvious to one of ordinary skill in the art at the time the invention was made to put a waterproof layer on the bottom of the flexible sheet of Wade in order to protect the user from moisture on a chair.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wade and further in view of Hunt, Battistella, Buhot et al and Silvestri. Wade teaches all the limitations of claim 11 except the case being attached inwardly of the first end of the sheet, the openable end of the case facing a longitudinal edge of the sheet, a slip cover pocket at the upper end of the sheet,

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and a pocket located adjacent a longitudinal edge of the sheet. Regarding the first two limitations, Hunt teaches a case 26 which is attached inwardly of a first end of a sheet 12, with the openable end facing the top edge. Battistella teaches an item which may function as a case 2 which faces a longitudinal edge of a sheet 1. Buhot teaches case 3 which is located inwardly of a first end of a sheet 12, with the openable end facing the bottom edge of the sheet. It would have been obvious in view of these references to one of ordinary skill in the art at the time the invention was made to make the case of Wade attached inwardly of the first end of the sheet for the purpose for the purpose of allowing it to better function as a pillow, should it be used in that manner. Likewise, it would have been obvious to one of ordinary skill to make the openable end of the case of Wade face a longitudinal edge of the sheet for any number of design reasons. The exact orientation of the case does not appear to be of critical importance, as any orientation would be a functional equivalent. Regarding the third limitation, Silvestri teaches a slip cover pocket at an upper end of a sheet for exactly the same purpose as in the instant invention. It would have been obvious in view of Silvestri to incorporate a slip cover pocket in the upper end of the sheet of Wade for the purpose of making the sheet more resistant to blowing away in windy conditions. Regarding the fourth limitation, it would have been obvious to one of ordinary skill in the art to put pockets on the other side of the sheet of Wade for the purpose of providing more usable storage space. Wade as modified above for claim 11 teaches all the limitations of claim 12 except a second slip cover pocket. It would have been obvious in view of Silvestri to one of ordinary skill in the art at the time the invention was made to put a second slip cover pocket at a lower end of the sheet of

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Wade in order to further retain the sheet in the event of windy conditions. Wade teaches all the limitations of claim 13 except carrying means attached to the case adjacent the opening. Silverstri teaches carrying means 18,20 adjacent an opening. It would have been obvious in view of Silvestri to one of ordinary skill in the art at the time the invention was made to incorporate carrying means adjacent the opening of the case of Wade for the purpose of making the case and its contents more easily grasped. Wade as modified regarding claim 11 teaches all the limitations of claim 14 except a flap extending from adjacent an open first end of the case. Hunt teaches a flap 48 which extends from adjacent an open first end of an analogous case. In Fig 3, Battistella teaches a flap 4 for a case 3 which extends from adjacent the opening. It would have been obvious to one of ordinary skill in the art at the time the invention was made, in view of either Hunt or Battistella, to make the flap extend from adjacent the opening of a case for the purpose of better securing and protecting the contents inside the case.

Response to Arguments

Applicant's arguments filed Aug 7, 2001 have been fully considered but they are not persuasive. A collection of known features in an invention, all of the features doing what they are well known to do, does not necessarily confer patentability. All of the features claimed in the instant application are either taught by Wade, or would have been obvious modifications to Wade as suggested by the secondary references.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any specific inquiries concerning this communication or earlier communications from the Examiner may be directed to Troy Arnold at (703) 305-0621. The Examiner can normally be reached Monday through Friday 9:30am - 6pm EST. Official responses may also be faxed directly to Tech Center 3700 at (703) 872-9302, and after final responses to (703) 872-9303. Questions of a general nature may be directed to the Group Receptionist at (703) 308-1148. Tech Center 3700 Customer Service may also be reached at (703) 306-5648.

Troy Arnold

August 23, 2001


Paul T. Sewell
Supervisory Patent Examiner
Group 3700